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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA—NORTHERN DIVISION**

12 JAMES DAVENPORT,

13 Plaintiffs,

14 vs.

15 ENHANCED RECOVERY
16 COMPANY, LLC; and DOES 1
17 through 10, inclusive,
18 Defendants.

Case No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

Demand Does Not Exceed \$10,000

19 **COMPLAINT**

20 **I. INTRODUCTION**

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22 1. This is an action for actual and statutory damages brought by Plaintiff,
23 James Davenport, an individual consumer, against Defendant, Enhanced
24 Recovery, LLC, for violations of the Fair Debt Collection Practices Act, 15 U.S.C.

1 § 1692 et seq. (hereinafter “FDCPA”), which prohibits debt collectors from
2 engaging in abusive, deceptive, and unfair practices.

3 II. JURISDICTION

4 2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28
5 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and
6 2202. Venue in this District is proper in that the Defendant transacts business here.
7

8 III. PARTIES

9 3. Plaintiff, James Davenport, is a natural person with a permanent
10 residence in Fallon, Churchill County, Nevada 89407.
11

12 4. Upon information and belief, the Defendant, Enhanced Recovery
13 Company, LLC, is a corporation engaged in the business of collecting debt in this
14 state and in several other states, with its principal place of business located at 8014
15 Bayberry Rd., Jacksonville, Duval County, Florida 32256. The principal purpose
16 of Defendant is the collection of debts in this state and several other states, and
17 Defendant regularly attempts to collect debts alleged to be due another.
18

19 5. Defendant is engaged in the collection of debts from consumers using
20 the mail and telephone. Defendant regularly attempts to collect consumer debts
21 alleged to be due to another. Defendant is a “debt collector” as defined by the
22 FDCPA, 15 U.S.C. § 1692a(6).
23
24

IV. FACTUAL ALLEGATIONS

6. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services, which are the subject of the transaction, are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

7. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, communicated with Plaintiff's loan specialist, who is not a co-signer on the alleged debt.

8. The natural consequences of Defendant's statements and actions were to unjustly condemn and vilify Plaintiff for his non-payment of the debt he allegedly owed.

9. The natural consequences of Defendant's statements and actions were to produce an unpleasant and/or hostile situation between Defendant and Plaintiff.

10. The natural consequences of Defendant's statements and actions were to cause Plaintiff mental distress.

11. Defendant utilized unfair and unconscionable means to collect on Plaintiff's alleged debt, by telling a third party about an alleged debt.

V. CLAIM FOR RELIEF

12. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

13. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- (a) Defendant violated §1692c(b) of the FDCPA by communicating with a third party in connection with the collection of the alleged debt without the consent of the Plaintiff and the contact was not in a manner covered by §1692b of the FDCPA; and
- (b) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, or abuse any person in connection with the collection of an alleged debt; and
- (c) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt.

14. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

1 15. As a result of the foregoing violations of the FDCPA, Defendant is
2 liable to the Plaintiff, James Davenport, for declaratory judgment that Defendant's
3 conduct violated the FDCPA, actual damages, statutory damages, and costs and
4 attorney fees.

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7 WHEREFORE, Plaintiff respectfully requests that judgment be entered
8 against Defendant, Enhanced Recovery Company, LLC, for the following:

- 9 A. Declaratory judgment that Defendant's conduct violated the FDCPA.
10 B. Actual damages.
11 C. Statutory damages pursuant to 15 U.S.C. § 1692k.
12 D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
13 E. Awarding Plaintiff any pre-judgment and post-judgment interest as
14 may be allowed under the law.
15 F. For such other and further relief as the Court may deem just and
16 proper.
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, James Davenport, demands trial by jury in this action.

DATED: May 3, 2013

RESPECTFULLY SUBMITTED,
PRICE LAW GROUP APC

By: /s/ Janice E. Smith
Janice E. Smith
Attorney for Plaintiff